

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49865 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- ADAPUR District- East Champaran

Dodha Sah @ Ram Narayan Sah SON OF Late Munsi Sah@ MANSI SAH
VILLAGE- SIRISIYA, PS- NAKARDEI, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Adapur P.S. Case No. 120 of 2024 registered for the offences punishable under Sections 25(1-b)a/26 of the Arms Act & 8/20(b)(ii)(B) of the NDPS Act and Section 13 of Fema Act.

3. As per prosecution case, there is alleged recovery of one country made pistol, one live cartridge and 500 gm charas from co-accused Lalu Kushwaha and he disclosed that he bought the said charas in Nepali currency for two lakh and twenty thousand from the petitioner. It is further alleged that two lakh and forty thousand Nepali currency was recovered from the house of the petitioner. Local people and chowkidar



disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case. He further submits that except confessional statement of co-accused Lalu Kushwaha, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that confessional statement of co-accused has no admissibility in law in the light of Section 25 of the Evidence Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is already accused of similar offence under NDPS Act i.e. N.D.P.S. Case No. 65 of 2012 and there is alleged recovery of two lakh and forty thousand Nepali currency from the house of the petitioner.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with the similar kind of criminal antecedent of the petitioner as mentioned in para 3 of the bail petition, I am not inclined to



grant privilege of anticipatory bail to petitioner. Accordingly,
the prayer for anticipatory bail of the petitioner is, hereby,
rejected.

(Alok Kumar Pandey, J)

vashudha/-

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